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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

| | | |
|-----------------------|---|------------------------------|
| IN THE MATTER OF |) | |
| |) | Docket No. CWA-7-2002-0059 |
| |) | |
| Green Oil Company |) | |
| El Dorado Springs, MO |) | CONSENT AGREEMENT AND |
| |) | FINAL ORDER |
| Respondent. |) | |

CONSENT AGREEMENT AND FINAL ORDER

An initial proceeding for the assessment of a civil penalty was initiated on or about January 28, 2002, pursuant to Section 311(b)(6) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (hereinafter CWA), 33 U.S.C. § 1321(b)(6), as amended by the Oil Pollution Act of 1990, when the United States Environmental Protection Agency, Region VII (hereinafter Complainant or EPA) issued to Green Oil Company (hereinafter Respondent) a Complaint and Notice of Opportunity for Hearing.

On June 20, 2002, the Complaint was amended to seek an amended civil penalty based on new information not discovered before the initial assessment of a civil penalty. Both Complaints charged Respondent with violations of CWA Section 311(b)(6), 33 U.S.C. § 1321, and the regulations promulgated pursuant to Section 311(b)(3) and (j) of the CWA and codified at 40 C.F.R. Part 110 and 112. The Amended Complaint proposed a civil penalty of Forty Thousand Dollars (\$40,000) for these violations.

Complainant and Respondent entered into negotiations in an attempt to settle the

allegations contained in the Amended Complaint; this Consent Agreement and Final Order are the result of such negotiations.

CONSENT AGREEMENT

1. Respondent admits the jurisdictional allegations of the Amended Complaint, and neither admits nor denies the factual allegations of the Amended Complaint.

2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Amended Complaint.

3. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing, and to bear their respective costs and attorneys' fees.

4. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, Respondent is presently in compliance with all requirements of Section 311 of the CWA, 33 U.S.C. § 1321, and all regulations promulgated thereunder.

5. Nothing contained in the Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state and local environmental statutes and regulations and applicable permits.

6. The settlement pursuant to this Consent Agreement shall only resolve Respondent's liability for Federal civil penalties for the violations and facts alleged in the Amended Complaint.

7. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty based on Respondent's demonstrated ability to pay as set forth below in the Final Order.

8. Respondent understands that its failure to timely pay any portion of the mitigated civil

penalty stated in Paragraph 1 below, may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the rate determined by the Secretary of the Treasury on the unpaid balance until such civil penalty and any accrued interest are paid in full. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

8. The undersigned representative of Respondent certifies he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.

FINAL ORDER

Pursuant to the provisions of Section 311 of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), 33 U.S.C. § 1321, as amended by the Oil Pollution Act of 1990, and based upon the information set forth in the Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a mitigated civil penalty of Six Thousand Dollars (\$6,000) within thirty (30) days of the entry of this Final Order. Payment shall be by cashier's or certified check **made payable to the "Oil Spill Liability Trust Fund"** and remitted to:

Kathy Robinson
Regional Hearing Clerk
901 N. 5th Street
Kansas City, Kansas 66101

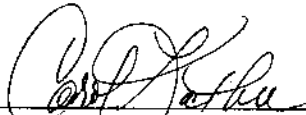
2. Respondent shall send a **copy** of the check to:

Kristina Kemp

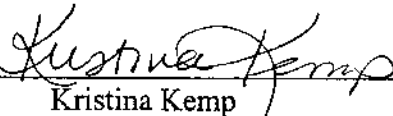
Office of Regional Counsel
EPA, Region VII
901 North Fifth Street
Kansas City, Kansas 66101.

4. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By 
Carol Kather
Acting Director
Water, Wetlands, and Pesticides Branch

Date 3/21/03

By 
Kristina Kemp
Assistant Regional Counsel
Office of Regional Counsel

Date 3/21/03

RESPONDENT:
Green Oil Company

Signature Leo Green
Printed LEO GREEN
Title OWNER
Date 3-17-03

IT IS SO ORDERED. This Final Order shall become effective
immediately.

Karina Bonomeo
~~Robert L. Patrick~~ Karina Borrromeo
Regional Judicial Officer
Region VII

Date March 27, 2003

IN THE MATTER OF Green Oil Company, Respondent
Docket No. CWA-07-2002-0159

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Kristina Kemp
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

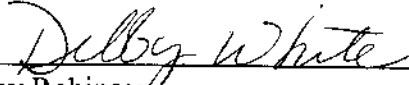
John E. Price, Esq.
Carnahan, Evans, Cantwell & Brown, P.C.
Four Corporate Centre, Suite 410
1949 E. Sunshine
P.O. Box 10009 G.S.S.
Springfield, MO 65808-0009

and

Copy by First Class Pouch Mail to:

The Honorable William B. Moran
Administrative Law Judge
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D.C. 20460

Dated: March 27, 2003



Kathy Robinson For
Regional Hearing Clerk

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

Notice to Customer
The purchase of an indemnity bond will be required before
this check will be replaced or refunded in the event it is lost
or stolen.

REMITTER GREEN OIL CO

TRI-COUNTY STATE BANK
ELDORADO SPRINGS, MO 64744
BRANCH OF MID-MISSOURI BANK

129373

80-0865
0342

PAY TO THE
ORDER OF

OIL SPILL LIABILITY TRUST FUND

DATE 03-17-03

\$ 6,000.00

THE SURETY CO OF MO
ST. LOUIS, MO 63103

Bank Authorized Counter Signature

CASHIER'S CHECK

Not Valid For Over \$5,000.00 Unless Counter Signed

AUTHORIZED SIGNATURE

Ronda Brand

⑆088503424⑆

183350⑈